

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JACOB S. KINNEY</b>	:	<b>CIVIL ACTION</b>
	:	
v.	:	<b>NO. 22-2566</b>
	:	
<b>COUNTY OF BERKS, <i>et al.</i></b>	:	

**ORDER**

**AND NOW**, this 21<sup>st</sup> day of January 2025, upon considering defendants' motions for summary judgment (DI 58; DI 59), plaintiff's responses (DI 69; DI 70), defendants' replies (DI 75; DI 78), the parties supplemental briefing (DI 85; DI 86; DI 87; DI 88), and following oral argument on September 12, 2024, it is **ORDERED** that the motions for summary judgment (DI 58; DI 59) are granted in part and denied in part, as described below.

- Berks County defendants' motion (DI 58) is granted on Count I (Inadequate Medical Care) as to Officer Delp, Officer Vollmer, and Officer Weidner; Count IV (Failure to Intervene); and Count V (IIED);
- PrimeCare defendants' motion (DI 59) is granted on Count I (Inadequate Medical Care) as to Corinne Berger and Darrah Harley-Apgar; Count IV (Failure to Intervene); and Count V (IIED).

**AND** upon considering plaintiff's statements regarding abandoned claims (DI 69 at 6-7; DI 70 at 6-7), it is further **ORDERED** that all claims against Deputy Warden Stephanie Smith, Brenna Delp (improperly pled as Correctional Officer B.Dub), and Correctional Officers Stones, Mercado, Feryo, Reichert, and Ruffner are dismissed with prejudice.

  
**MURPHY, J.**